

MINUTES
PLANNING BOARD
July 21 2021
Via Zoom and in-person

Present: John Schaumloffel (Chair) in person, Deirdre Daley (Vice Chair) in person, Shawn Talbot in person, Lou Alvarez, in person, Josh Muhonen in person, Tim Somero in person, Nate Sikkila in person, Lou Guarino online, Liz Freeman online, Richard Smeeth online, and Jennifer Minckler in person.

John Schaumloffel took roll call attendance.

Selectmen/Chair/Land Use Report:

Selectman Shawn Talbot advised that last night Bert Hamill was appointed to take Selectman John Veaser's position until elections in March and Jim Coffey is now interim Town Administrator pending approval of submitted paperwork sent to the state of NH.

The Land Use Clerk had nothing to report.

John requested that the Town Administrator and Selectman consider equipping the Land Use Administrator and Land Use Clerk with notebook computers so they can be in the room with the group and if inclement weather interferes with in person work, they could work from home.

Minutes of June 16, 2021: Minimal changes made to the minutes. Motion to approve by Tim Somero, seconded by Lou Alvarez. The motion carries unanimously. The minutes are adopted.

Minutes of July 7, 2021: Minimal changes made to the minutes. Motion to approve by Lou Alvarez, Deirdre Daley seconded. The motion carries 6 in favor with 1 abstention. The minutes are adopted.

Minutes of July 10, 2021: Minimal changes made to the minutes. Motion to approve by Shawn Talbot, seconded by Tim Somero. The motion carries 6 in favor with 1 abstention. The minutes are adopted.

Inspection/Compliance Discussion: John mentioned that per the request of the prior Town Administrator, John filed a Freedom of Information Act request which is due July 29, 2021 to identify all attorneys that have done business with the Town so that the Planning Board can select an Attorney that is free of conflict.

Deirdre spoke of Appleton Road regarding the gravel pit excavation letter sent to verify the intent of the owner. John confirmed that there are hours posted, machinery is on site, and he had provided pictures.

John and Shawn viewed a driveway off of Appleton Road and there runoff damaging the road. The Building Inspector and the Road Agent will be looking into this matter.

John and Shawn visited Boynton Hill Road Development and there is no erosion control and looks like machinery is running over Wetlands. Shawn advised there will be a meeting with the Building Inspector, Owner, Site Workers and Shawn will provide the Planning Board with an update once he hears from the Building Inspector.

John mentioned Turnpike Road driveway issue, near the Police Station, is actually a State matter per the advice of NHMA. There appears to be no role for the Planning Board in this matter.

There is a public hearing in the Town of Mason on July 28, 2021 on a 2 lot development with regional impact. John may contact the Town of Mason for more information.

Dee provided an update on Kennybeck Court. A letter was received from the Fire Chief as well as one from Kent Brown. The Postmaster asked that we communicate that private roads do not qualify for mailboxes on the homes and that group mailboxes are needed.

Liz asked about driveways on state roads. John quoted Legal counsel that stated in an email dated July 14, 2021 2:24pm "The town can only regulate driveways on Class IV, V and VI highways under RSA 236:13. Assuming that the parcel in question has a driveway permit issued by the NHDOT, not seeing how the town can concurrently regulate the construction design or driveway sharing arrangement Those would be issues that would be addressed by the NHDOT District 4, District Engineer."

Liz was invited to email John situations to pose to NHMA about how the Planning Board may regulate driveways on state roads and John may contact NHMA for confirmation. Liz provided scenario of a new subdivision with a shared driveway which enters a state road, and whether the Planning Board can require a shared driveway agreement?

7:30 Public Hearing- Continuation of Brook Haven Farm, LLC Ten Lot Consolidation and Subdivision, Map 6-20B & 6-20C:

There was discussion of the site walk held on 7/10/2021 and the Wetlands of Lot 1 and the design to be completed. John mentioned the email from the Conservation Commission dated 7/19/21 12:12 PM and read most of the email into record. That email will be part of these minutes.

Fieldstone Representative Chad Branon stated they went over those points in the presentation last month and addressed each item then and again reiterated that Fieldstone will meet all state and local requirements. The local guidelines are exceeded by state requirements for stream crossings which are some of the most stringent. **He said the map sent from the**

Conservation Commission showing flowage rights was incorrect. Flowage rights are determined by elevation. Fieldstone will go before the Zoning Board of Appeals, Conservation Commission and the State to get wetlands crossings and modifications permitted. Chad Branon continued to discuss the issues that have been raised.

Lou G. asked for clarification on the contour intervals for the plans, and why on lot 5 the well was placed in the wetland. Chad noted the well indication could be moved. Deirdre asked why the proposed septic on lot 5 was positioned across the wetland from the building box. Chad noted the requirement is only to put the septic on the plans, not that they be placed where they would practically be, and there was plenty of room between the building box and the wetlands on the Northwest side of lot 5.

John Schaumloffel questioned where the access to the gravel pit is to be. Chad responded that Lot 9 will be retained by the owner and the driveway easement will be extended to the end to provide access to the gravel pit. Mr. Brannon clarified no changes are proposed to the wetland crossing accessing lot 4, lot 9 and the gravel pit, although the crossing may be improved. Further discussion of the Subdivision continued regarding how structures could be built, without disturbing the wetlands, septic systems, setbacks, widths of wetlands crossings, and other items ensued.

John asked if the development would be better suited to a cluster subdivision with fewer driveways onto Appleton Road, and fewer wetland crossings. Mr. Branon said, as he had repeatedly in objection to nearly all Planning Board recommendations, that this was not what the landowner and developer wanted and that all technical conditions were being met. Dee pointed out that using a common driveway and making small lot dimension revisions would result in roughly the same amount of linear driveway length and steep slope alteration as the proposed driveways without the need for additional wetland crossings. Mr. Brannon noted that was not the proposal before the Board.

Dee made a motion that the plans include criteria including driveway placement as noted on the plans, that building occur within the building boxes as indicated, and no earth be disturbed within 50 ft of any wetland during construction. Since building box placement is limited and touches setbacks on several lots, she felt this offered a balance between development and respecting the wetlands/minimizing any incidental wetland disturbance. The applicant noted this a large burden since potential buyers may want something different and the group considered this motion too extensive (too many conditions to be appealing). Components of the motion were then deliberated separately, and each failed.

John made a motion that the Board vote on including a condition that this subdivision have no additional wetland crossing other than those shown on the submitted plans and that all wetland Crossings be 60 feet or less in width on 6/20-1 through 6/20-9. Deidre seconded the motion. The motion carries 5 in favor to 2 opposed.

John Schaumloffel made motion to approve the application with the following conditions.

The Application was approved with the following conditions:

1. Payment of fees.
2. Receipt of Mylar and maps.
3. Submission of the State Subdivision approval.
4. Zoning Board of Adjustments approval.
5. Submission of the State of NH Wetland Dredge & Fill permits.
6. Subdivision will comply with underground utilities as outlined in the Subdivision Regulations.
7. Submission of an Erosion Control plan that is acceptable to the Planning Board.
8. Submission of a Shared Driveway Agreement approved by Town Counsel for 6-20,6-20-4,6-20-9.
9. Submission of revised plans showing no additional wetlands crossings on lots 6-20-1 to 6-20-9.
10. All wetlands crossings will be 60 feet or less in width for lots 6-20-1 to 6-20-9.

Deirdre seconded. The motion carries 6 in favor to 1 opposed.

At the recommendation of Josh Muhonen the meeting adjourned by consensus at 10pm.

Respectfully submitted,
Jennifer Minckler
Land Use Administrator